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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,486	10/07/2003	Sami Pienimäki	061715-0391	4042
30542 7590 03/10/2009 FOLEY & LARDNER LLP P.O. BOX 80278 SAN DIEGO, CA 92138-0278				
EXAMINER				
GEE, JASON KAI YIN				
ART UNIT		PAPER NUMBER		
2434				
MAIL DATE		DELIVERY MODE		
03/10/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/679,486

**Applicant(s)**

PIENIMAKI ET AL.

**Examiner**

JASON K. GEE

**Art Unit**

2434

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 5-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

1. This action is response to communication: RCE received 02/10/2009.
2. Claims 1, 2, and 5-12 are current pending in this application.
3. No new IDS was received for this application.
4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/10/2009 has been entered.

***Response to Arguments***

5. Applicant's arguments filed 02/10/2009 have been fully considered but they are not persuasive.

After a further review of the applicant's specification and the prior art, the amended claims are still taught by the Wu reference. The applicants have amended the claims to recite wherein the initiating and enforcing are performed by an access control point. Although it may seem to overcome the Wu reference at first blush, the term "access control point" is very broad. The applicant's specification does not give any further limitations to what an access control point is. The specification merely describes an access control point having the ability to initiate and enforce AAA procedures and

enforcing applications to switch traffic to encrypting security service ports. These limitations are already taught throughout Wu, which is performed by an AAAH server. As seen in Figure 2 of Wu, the AAAH and AAAP servers have the ultimate control over the access points. The AAAH and AAAP servers has the ultimate control of access, and is seen in paragraphs 25-29 and throughout the reference. Further, as seen in the amendments to claim 10, the AAA procedures are controlled an "authentication, authorization and accounting controller." An AAAH and an AAAP server, as taught by Wu, have the power to control such features.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, and 5-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Wu et al. US Patent Application Publication 2004/0203783 (hereinafter Wu)..

As per claim 1, Wu teaches a method, comprising: providing access to a public wireless local area network for a user terminal ((Figure 2, paragraph 3); initiating an

authentication, authorization, and accounting procedure for the user terminal (Figure 2, paragraph 25 and 26); providing an internet access gateway functionality (paragraph 3 and throughout the reference); and enforcing an application to switch any traffic provided over internet access to the user terminal in the public wireless local area network to an encrypting security service port (paragraphs 12, 30, 31, 39-40, and throughout the reference, where handoff keys are used and users are transferred to different access points), wherein the initiating and enforcing are performed by an access control point (Figure 2, paragraphs 25-29, 31, 39-40)

As per claim 2, Wu teaches wherein the encrypting security service is the secure sockets layer or the transport layer security (paragraph 27, 40, 59).

As per claim 5, Wu teaches retrieving information by the access control point from RADIUS messages whether a user terminal does not use a 802.11 encryption, and performing the enforcing to the application if it is accessed by such a user terminal (paragraphs 28, 43, 42.12, 30, and 31).

As per claim 6, Wu teaches wherein the application can be one of a group comprising the hypertext transfer protocol for browsing the Internet, the Internet message access protocol 4, the post office protocol 3, and the simple mail transfer protocol ((paragraphs 23 and 24).

Claim 7 is rejected using the same basis of arguments used to reject claim 1 above.

Claim 8 is rejected using the same basis of arguments used to reject claim 2 above.

Claim 9 is rejected using the same basis of arguments used to reject claim 5 above.

Claim 10 is rejected using the same basis of arguments used to reject claim 1 above.

Claim 11 is rejected using the same basis of arguments used to reject claim 2 above.

Claim 12 is rejected using the same basis of arguments used to reject claim 5 above.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason K. Gee whose telephone number is (571) 272-6431. The examiner can normally be reached on M-F, 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Gee  
Patent Examiner  
Technology Center 2400  
03/06/2009

/Kambiz Zand/

Supervisory Patent Examiner, Art Unit 2434